

REMARKS

Claims 1-5, 7, 9-13, 15, 17, 18, 20, 25, 31-34, 39, 43 and 45-49 presently appear in this case. Of these claims, claim 43 has been withdrawn from consideration. No claims have been allowed. The official action of November 28, 2008, has now been carefully studied. Reconsideration and allowance are hereby respectfully urged.

Briefly, the present invention relates to technology developed in the laboratory of the present inventors, which is now known in the art as autoimmune neuroprotection. It has been discovered that secondary neuronal degeneration caused by the neurodegenerative effects of an injury, disease, disorder or condition can be reduced if steps are taken to cause T cells activated against an NS-specific antigen which, in its native state, is present at the site of secondary neuronal degeneration, to accumulate at the site of neuronal degeneration. The mere presence of these activated T cells at the site of secondary neurodegeneration causes a cytokine response that has a significant effect in reducing the secondary neuronal degeneration. The preferred method of causing the T cells to accumulate at the site of secondary neurodegeneration is either to administer T cells activated against an NS-specific antigen, or an immunogenic epitope thereof, or to administer the NS-specific antigen, or the

immunogenic epitope thereof, itself in such a way as to cause a T cell response such that T cells become activated against the NS-specific antigen. In the currently claimed preferred embodiments, the NS-specific antigen or immunogenic epitope thereof is MBP, the p51-70 peptide of MBP, or the Noga-A p472 peptide.

The restriction requirement has been maintained and made final. The examiner continues to indicate that upon allowance of a generic claim applicant will be entitled to consideration of claims to additional species that depend from or otherwise require all of the limitations of an allowable generic claim. The only remaining claim drawn to a withdrawn embodiment is claim 43. However, as claims 1 and 2, from which it depends, are generic to this embodiment and should now be in condition for allowance for the reasons set forth below, it is requested that claim 43 be rejoined, examined and allowed in this case with the claims that are generic thereto.

The examiner has objected to the abstract of the disclosure because of the legal term "said."

The abstract has now been corrected in order to obviate this objection.

Claims 1-5, 7, 9-13, 15, 17-20, 22-35, 31-34, 36-39 and 45-49 have been rejected under 35 U.S.C. 112, first paragraph. The examiner states that the specification is

enabling for (I) a method for reducing secondary neuronal degeneration or a method for ameliorating the secondary neurodegenerative effects that follow neuronal damage caused by an injury, disease, disorder or condition in the CNS or PNS comprising administering to an individual myelin basic protein (MBP), p51-70 of MBP, or T-cells activated against MBP or p51-70, thereby reducing secondary neuronal degeneration at the injury site and (II) a method for reducing secondary neuronal degeneration or a method for ameliorating the secondary neurodegenerative effects that follow neuronal damage caused by an injury in the CNS or PNS comprising administering to an individual Nogo-A p472 (SEQ ID NO:19) peptide. However, the examiner states that the specification does not reasonably provide enablement for the administration of other NS-specific antigens or other immunogenic epitopes thereof or T-cells activated against other NS-specific antigens or immunogenic epitopes thereof.

In order to expedite allowance of this case and without prejudice toward the continuation of prosecution of generic claims in a continuing application, applicant has now amended the claims to read only on those embodiments that the examiner has conceded are enabling, i.e., administration of MBP, p51-70 of MBP or Nogo-A p472 peptide or T-cells activated against MBP or p51-70 of MBP. Accordingly, as the examiner

has already stated that these claims are enabled, reconsideration and withdrawal of this rejection are respectfully urged.

Claims 1-5, 7, 9-13, 15, 17, 18, 22, 23, 31, 36, 37 and 45-49 have been rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. While the examiner acknowledges that the instant specification lists several examples of NS-specific antigens, the examiner states that the specification also discloses that the definition for NS-specific antigen also includes analogs of said NS-specific antigens, and thus the skilled artisan cannot envision all of the encompassed NS-specific antigens or immunogenic epitopes thereof. This rejection is respectfully traversed.

It is noted that claims 19, 20, 24, 25, 32, 33, 34, 38 and 39 have not been included in this rejection. The claims are now directed specifically to those NS-specific antigens and immunogenic epitopes thereof that were present in the claims that were not included in this rejection or are otherwise specifically mentioned in the specification. Accordingly, the present rejection is no longer applicable to the presently amended claims. Reconsideration and withdrawal of this rejection are therefore respectfully urged.

Appln. No. 10/810,653
Amdt. dated May 28, 2008
Reply to Office action of November 28, 2007

It is submitted that all of the claims now present in the case clearly define over the references of record and fully comply with 35 USC 112. Reconsideration and allowance are therefore earnestly solicited.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By /rlb/
Roger L. Browdy
Registration No. 25,618

RLB:jmd
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
G:\BN\B\BENA\EIS-SCHWARTZ2B\PTO\2008-05-28AmendmentFOA.doc